

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
THE HONORABLE PHILLIP S. FIGA
901 19th Street, Chambers A638
303-335-2174

CHECKLIST FOR TRIAL

1. Witness List: On the morning of trial, each side must provide the courtroom deputy with three paper copies and one copy on disk of a list of its witnesses (using the form included on-line), whether or not they have been listed in the pre-trial order. One copy will be made available to the Court Reporter, which will avoid the necessity of asking for the spelling of the witness' name. Please be sure that names are spelled correctly, and estimate the time of testimony for direct and cross-examination.
2. Exhibit List: The parties shall prepare a joint list of exhibits that they expect to offer (using the form included on-line). On the morning of trial, three paper copies and one copy on disk of the list must be provided to the courtroom deputy. I do not require that exhibits be offered in sequence. I DO require counsel to meet and confer before trial to stipulate to the authenticity and admissibility of exhibits prior to trial, marking the appropriate boxes on the attached form. NOTE: Although they are stipulated, it does not mean they are admitted automatically.
3. Exhibits: All exhibits are to be listed numerically without repetition. Please affix labels to your exhibits before trial. The civil action number shall also be placed on each of the exhibit stickers. Blank exhibit stickers are available at the front counter of the Clerk's Office. Multi-page exhibits must be permanently fastened and each page numbered consecutively to prevent any pages from becoming separated or omitted. All exhibits in proper sequence shall be delivered to the Courtroom Deputy on the morning of trial. We encourage the use of 3-ring binders to hold exhibits. Counsel must provide copies of all exhibits to opposing counsel and have copies for their own reference. An original exhibit notebook and one copy for the Court is required. There will be no juror notebooks of exhibits. Jurors will deliberate with the admitted exhibits in the original exhibit notebook(s). NOTE: Demonstrative exhibits and documents used to refresh memory must also be marked. All exhibits are to be displayed on the Elmo and must fit on the Elmo. No over-sized exhibits are to be used unless requested by motion.
4. Proposed Jury Instructions: Counsel for both sides should meet together well in advance of the trial date and **stipulate to as many proposed jury instructions as possible.** Three sets of instructions should be delivered to my law clerk at the **final trial preparation conference**, approximately one week before trial. See Memorandum to Trial Counsel, located in on-line procedures.

5. *Proposed Voir Dire Questions:* Counsel should submit proposed *voir dire* questions to the Court no later than the Final Trial Preparation Conference.
6. *Terminology:* It will be helpful to have a glossary of any unusual or technical terminology provided to the Court and the Court Reporter, **preferably delivered at the Final Trial Preparation Conference.**
7. *Written Curricula Vitae:* In trials to the Court, a *vita*, marked as an exhibit, will usually suffice for the qualifications of an expert witness.
8. *Depositions:* At the beginning of trial, you should deliver to the Courtroom Deputy the originals of all depositions you intend to use. In a trial to the Court, you should deliver such depositions to chambers one week prior to trial. If you are going to offer deposition testimony in lieu of a live witness, prepare your page and line designations and cross-designations ahead of time and submit these to the Courtroom Deputy in writing, in duplicate. You are also requested to provide a person to read answers if there is a jury trial. DO NOT mark depositions as exhibits.
9. *Trial Briefs:* Please advise the Court if you wish to file trial briefs, which may not be filed unless requested by the Court. Briefs requested shall be filed on a date to be set by the Court, and no later than the Final Trial Preparation Conference. Unless otherwise specified, trial briefs shall be limited to five (5) pages.
10. *Jury Costs:* In order to avoid assessment of jury costs, you must notify the Court of a settlement before 12:00 noon on the last business day before the scheduled trial date. See D.C.COLO.LCivR 54.2.
11. *Standing for Jurors:* As a matter of courtesy, it is the Court's policy that everyone stand when the jury enters or leaves. (EXCEPTION: Do not stand for the jury panel members as they come into the courtroom initially for jury selection.)
12. *Oath-Taking:* Any public oath-taking administered to witnesses, interpreters and Court Security Officers require the undivided attention of counsel as well as all others in the courtroom.
13. *Forms of Address:* As a sign of respect for the institution, you will refer to the judge as "Your Honor" or "the Court." Please refer to all other persons by their surnames, prefaced by Mr. or Ms. (Miss or Mrs. only when appropriate) unless referencing a quote in which only a first name was used or where a surname cannot be recalled. You may refer to both physicians and Ph.D.'s as "Doctor," and law enforcement officials as "Agent" or "Officer," as appropriate.

14. Sequestration Orders. Sequestration orders are to be strictly observed. Expert witnesses may not sit in on trials in which sequestration orders have been entered except with express prior authorization. Witnesses should not be “prepped” or their testimony reviewed during breaks after they have been sworn in. Witnesses who have not yet testified at trial should not be provided transcripts of trial proceedings. However, they may be prepared by asking them questions based upon hypotheticals. Once excused, witnesses may sit in the courtroom, unless a party has a good faith belief that the witness will be called again for rebuttal purposes and makes an ongoing exclusion request with the Court.